

Public Hearing – January 9, 2017 at 7:00 pm

Proposed UDO Amendment

**An Ordinance to Repeal and Replace
Article 2 General Regulations SECTION 2.18 Filling, Grading, and Excavation**

- (A) No **lot**, parcel or tract of land may be disturbed by grading, filling, excavation, and removal of trees or removal of stumps without a Town Fill and Grade permit. Permits for Fill and Grade shall be accompanied by a scaled grading plan depicting elevation change prepared by a licensed surveyor, landscape architect, or professional engineer. For single-family residential and duplex dwelling uses, when fill is not proposed in excess of 4 inches, a scaled grading plan is not required.
- (B) Exceptions to this section:
- Fill that is necessary to meet any County or State requirements for a Health or Storm Water permit. In which case, fill shall only be allowed to the minimum extent necessary to obtain a permit.

(C) Establishment of ***Finished Ground Level***:

- For **lots** on the island:
 - For **lots** where only one adjacent side **lot** is developed, the ***finished ground level*** shall be no greater than the ***finished ground level*** of the adjacent, developed lot.
 - For **lots** where both adjacent side **lots** (front and rear for corner **lots**) are developed, the ***finished ground level*** of any **lot** shall be determined by measuring the average elevation of two points along the proposed ***building footprint*** that extends 10 feet past each adjacent **lot** line. The ***finished ground level*** shall be no greater than this measurement.



- iii. For **lots** where both adjacent side **lots** (front and rear for corner lots) are not developed, the **finished ground level** shall be no greater than one foot above the crown of the road.



- iv. For **lots** whose average grade is above the adjacent road, the established **finished ground level** shall be determined by measuring the average elevation of the ground. The average elevation shall be measured in accordance with Section 2.18 (A)(a)(ii).
- v. Sand will not be taken from the island nor shall it be removed from the CAMA Area of Environmental Concern (AEC) from which it originated.
- vi. In no instance shall the construction of a **street** result in a change in elevation at any point along said **street** that exceeds one foot above the existing grade at the time of applying for a Town issued permit for Fill and Grade.



- b. For **lots** on the mainland:
When grading or filling of a lot is proposed, the **finished ground level** of any **lot** shall be measured in accordance with Section 2.18 (A)(a)(ii).
- c. In instances whereby the **finished ground level** cannot be obtained as specified herein due to natural topography, existing development adjacent to the **lot**, or other factors relative to site conditions, the **Planning Board** shall determine the **finished ground level** upon review and approval of a proposed grading plan.

- (D) All fill shall be established at a slope not to exceed 3:1 (three feet horizontal run for every one-foot vertical rise) and shall be stabilized to prevent erosion. Alternatively, construction of a retaining wall, bulkhead, or other engineered containment device to prevent fill and surface water from running onto adjacent **lots** may be permitted.
- (E) The builder and/or owner shall be responsible for grading the **lot** in such a manner as to absorb surface runoff and/or provide a stormwater catchment system for runoff.
- (F) A silt fence must be erected around that portion of a **lot** being disturbed that causes erosion onto adjacent property, waterbodies, and/or street right of ways. Exception: Only the portion of the **lot** adjoining golf course greens or fairways or a portion of a **lot** for construction access is exempt.
- (G) In the event that a storm or other natural hazard results in the removal of sand from a **lot**, then the affected party may apply for a Town Fill and Grade permit to modify the **finished ground level** in accordance with this ordinance. Where the affected party has a previously approved Town Fill and Grade permit with identified **Finished Ground Level** and spot elevations, then the property owner may apply for a Town Fill and Grade permit to fill and grade the property in accordance with the previously approved permit.
- (H) This section does not alleviate any property owner from adhering to nor from obtaining required permits from any County, State or Federal authority.